

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
DECEMBER 7, 2015**

ROLL CALL:

Members Present: Michael Stebe, Acting Chairman
Timothy Bergin
Jessica Scorso

Alternate Members Sitting: Patrick Kennedy
Julian Stoppelman

Alternates: Teresa Ike

Absent: Eric Prause
Andy Kidd

Also Present: Mark Pellegrini, Planning Director
Renata Bertotti, Senior Planner
Karen Logan, Recording Secretary

The Acting Chairman opened the Public Hearing at 7:02 P.M. Mr. Pellegrini read the legal notice for the application when the call was made.

EVERGREEN CROSSING, LLC – For a zone change from Industrial and Rural Residence to planned Residential Development zone and construction of a 135-unit multi-family residential development at 317 New State Road. – PRD Zone Change and Preliminary Plan of Development (2015-102)

Attorney Stephen Penny presented the applicant's request. He began by reviewing the background of the Broadleaf residential community and the previous applications related to Phase I of the project, which is a 224-unit, multi-family residential community. He reported that much of the Phase I portion of this development has been constructed and the units that have been completed have been rented out.

He said Phase II of the Broadleaf community is the reason for the proposed zone change and Preliminary Plan of Development. The applicant intends to merge 325 New State Road (Phase I) with 317 New State Road (Phase II and the subject of the application). The resulting combined development will include a total of 359 units in nine buildings. The development will function as one, with a single access off New State Road and combined use of recreational facilities, such as the clubhouse, pool, and the dedicated open space areas.

Attorney Penny then introduced Ms. Karen Isherwood, Project Manager, from BL Companies in Meriden, Connecticut. Ms. Isherwood presented the engineering details and the proposed

conservation measures. Storm water runoff from the proposed parking lots and roadways will be collected in catch basins and routed northerly to a water quality basin prior to discharge into the wetlands.

The landscaping plan calls for a 15' wide buffer along the perimeter of the site. The proposed plant list for landscaping includes shade trees such as maple and ash, and flowering trees such as dogwood and crabapple.

Utilities such as sewer, water lines, telephone, cable, electrical and natural gas will be derived from the Phase I development. The sewer pump in Phase I will be modified, if necessary, to accommodate the additional flow from Phase II. The existing electric, cable and telephone lines will be extended from Phase I via underground conduits.

The eastern portion of Phase II is located within the public water supply aquifer protection area in the vicinity of the New State Road public water supply well. The proposed parking storm water runoff will be collected and treated in a water quality basin.

Ms. Isherwood then introduced Mr. Stephen Mitchell, Highway/Traffic Engineering Department Manager for AECOM, 500 Enterprise Drive, Ste. 3B, Rocky Hill, Connecticut. Mr. Mitchell presented the traffic information concerning the proposed Phase II development. Mr. Mitchell said he conducted traffic counts on New State Road for the Broadleaf development location. He noted that the counts were conducted during the two busiest traffic hours during the day – morning and evening peak traffic hours. The study took into account the traffic study done in 2008 in support of Phase I. Based on both studies, the Traffic Impact Report predicts that the Level of Service at nearby intersections will essentially remain unchanged with the exception of the morning peak at the intersection of Adams Street and New State Road.

Attorney Penny then introduced Mr. Alan Lamson, President of FLB Architecture, who served as Project Architect and presented the architectural details of the proposed units, including acoustical controls proposed for this phase of the project. Phase II consists of 135 residential units in three 45-unit buildings. The buildings are three stories high and contain one- and two-bedroom units consisting of from 749 to 1070 square feet of living space. Each unit has a patio or balcony off the living area. Each building has fiberglass shingled roof and heavy duty vinyl siding, which is similar to buildings in Phase I of the development. Each unit has a carport which is enclosed on three sides and offers extra storage space for residents.

The sound insulation will exceed the minimum requirements of the zoning regulations. Because the development is located near the access road for Interstate 84, the plans for this development call for additional sound insulation in the exterior wall, in addition to windows which will reduce the sound from the outside.

Attorney Penny concluded the presentation by discussing the different zoning the proposed project will affect, such as “Natural” and “Mixed Use”. He appealed to the Commission to find that the proposed extension of the multi-family use is compatible with the adjacent residential uses on the street and in the area and therefore, that an extension of this use is consistent with the local Plan of Conservation and Development.

Mr. Stoppelman asked which building will be located closest to the Interstate 84 access road and if there would be any special accommodations to decrease traffic noise for that building. Mr. Lamson responded that the building closest to the access road is located approximately 100' from that road. Attorney Penny added that the building near the road was very quiet and there have been tenants in that building for four and a half months and there have been no noise complaints.

In response to a question from Mr. Stebe, Attorney Penny indicated that the Phase I units were 91% rented; approximately 106 out of 116 units were already rented.

Mr. Stebe asked whether the traffic counts were conducted before or after the units were rented. Mr. Mitchell replied that not many units were occupied when the traffic counts were conducted. However, he said the numbers were based on very conservative estimates.

In response to a question from Mr. Stebe, Attorney Penny confirmed that Phase II would involve only three residential buildings and that the community spaces such as the clubhouse and the pool would be shared with Phase I residents.

Ms. Ike asked why the traffic study was conducted during the summer when school traffic was not a consideration. Mr. Mitchell responded that his study had access to state traffic counts which were done during the winter months when school was in session and the differences in the counts were negligible. Ms. Ike asked if Mr. Mitchell was aware that traffic backs up along New State Road and all the way to Hilliard Street when the schools are in session, starting in September. Mr. Mitchell cited the redesign of the intersection of Middle Turnpike and New State Road, which was supposed to address that situation and has not been successful. He added that he felt the negligible amount of traffic from the development that was far enough away from the schools would not have a major impact.

Mr. Stebe asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Mr. Stebe called for staff comments. Ms. Bertotti noted that staff review had been completed and any comments were minor and technical in nature. She indicated that the legal merger of the two parcels could be added as a condition of approval.

Mr. Stoppelman asked if the entities involved in the South Windsor Evergreen Walk apartments are the same as the entities building this development. Attorney Penny responded the apartments in South Windsor have been sold off. Mr. Stoppelman went on to ask if the apartments in South Windsor would affect the market for the Broadleaf Development. Attorney Penny noted that the two developments targeted completely different markets.

The public hearing on this application was closed.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION - To repeal Article IV, Section 13 (Signs) and replace it with a revised Article IV, Section 13 (Signs). – Zoning

Regulation Amendment (2015-100)

Ms. Bertotti, Senior Planner, presented the proposal for the Planning Department. She began by reviewing the background and history of the initiative to review and revise the zoning regulations with regards to signs. The first sign regulations were adopted in Manchester in 1970, with revisions having been made sporadically throughout the intervening years. The most recent revision was adopted in 2006. Increasingly the Town has been faced with issues regarding regulation of temporary signs and more specifically, with regulating temporary banners (novelty signs), she said.

Ms. Bertotti said one of the main issues was that there was no definition of many of the types of signs. Secondly, the regulations are vague. For example, Ms. Bertotti said, the Town enforces a policy on the duration of display for novelty signs, but that policy is not explicit in the zoning regulations. Because of this situation, the decisions of the Zoning Enforcement Officer have been appealed and variances sought from the Zoning Board of Appeals. Consequently, the Zoning Board of Appeals requested a review of the Town's sign regulations.

The proposed changes are a result of the work of the Planning and Zoning Commission and the Planning Department's meetings and workshops regarding this subject.

Ms. Bertotti described the new definitions being proposed for electronic message boards, temporary signs, time or temperature signs, readerboard signs, and window signs, and reviewed the proposed changes to current definitions for free standing signs, low profile free standing signs and novelty signs.

Ms. Bertotti said under current regulations, the construction signs may be 100 sq. ft. in area in all business zoning districts including residential zones and 200 sq. ft. in the industrial zone, and may be displayed for a period not to exceed 18 months. The proposed amendment would reduce the area of construction signs to 32 sq. ft., which is consistent with the area the State of Connecticut requires municipalities post for their construction projects, as well as what has been seen in the research on sign regulations in other local municipalities, she said.

With regards to the novelty signs, Ms. Bertotti said, the current definition of novelty signs is vague and does not include the types of signs that are frequently displayed around town. Novelty signs may be displayed for a period not to exceed three weeks; however, under current regulations nothing prevents the business owners from applying for a zoning approval to display another sign for three weeks immediately following the removal of the first sign. This sometimes results in continuous, year-round display of 'temporary' signage, Ms. Bertotti said. Although the Town has enforced a policy that a period of six weeks must be allotted between the subsequent displays of novelty signs at a property, this policy is not explicit in the zoning regulations. Further complicating this issue, the current regulations do not regulate the number of novelty signs that is allowed, so it is possible to have multiple novelty signs with overlapping display periods. Finally, Ms. Bertotti said, the current regulations do not address the maximum area allowed for novelty signs.

She continued to say that the proposed amendment would revise the definition of novelty signs

to add teardrop banners, portable message center signs, air-activated graphics and balloon signs, while limiting the allowable area of most types of novelty signs to 32 sq. ft. The exceptions are teardrop banners, air-activated graphics and balloon novelty signs which would be limited to 3.5' wide x 18' high. Under the proposed amendment, only one novelty sign could be displayed per business, and the duration of display is limited to 12 weeks per calendar year. The applicant may choose if they wish to use the 12 weeks consecutively or not, she said.

Ms. Bertotti said the proposed amendment defines window signs, limits the display area to 25% of the storefront window, and provides a new definition for electronic message boards and allows these types of signs in Business and Industrial Zones. The electronic message board maximum sign area is limited to 32 sq. ft. and the current Town policy which limits the message change to no more than two times in 24 hours will be explicit in the regulations, she said.

A new set of general criteria is being proposed for the Design Overlay Zone, intended to ensure that the proposed location, size, lighting, and materials for all new signs are conducive to an attractive business climate while preserving property values and appropriately fitting their proposed neighborhoods and locations, Ms. Bertotti said.

She continued to say that under the revised regulations for sign illumination, the sign background in internally illuminated signs will be required to be opaque so that only letters and graphics can appear lit.

Ms. Bertotti concluded the presentation by noting that the changes propose to grant authority to issue permits for public interest signs to the Zoning enforcement Officer, in addition to other miscellaneous changes.

Mr. Stoppelman noted that the Commission appreciates the work that has gone into the proposed amendment. He asked if the limitation on construction signs applies to all construction sites. Ms. Bertotti replied that it would apply to all active construction sites. Mr. Stoppelman asked if other towns were following the same procedure and Ms. Bertotti indicated that according to her research the restriction to 32 sq. ft. in size is standard in neighboring municipalities.

Mr. Bergin asked about the use of the word static in the definition for electronic message boards and stated that he had seen message boards around town that rotate different messages. Ms. Bertotti replied that the signs should not be changing the message more than twice a day under current regulations.

Mr. Pellegrini added that the intent is not to limit the content of the message. The size of the sign is limited, and the frequency with which businesses can change the message is limited, but the message itself is not restricted.

Mr. Bergin asked what category of signs political signs would fall under. Mr. Pellegrini replied that political signs are not regulated. Mr. Bergin went on to ask about window signs and if neon signs were included in that category and how would the size be measured. Mr. Pellegrini added that anything that was in the storefront window is considered a window sign and would be included in the calculation of total signage for the window.

Ms. Bertotti added that these regulations would apply only to new businesses, not to current businesses, which would be grandfathered. Mr. Pellegrini clarified that zoning regulation changes were not retroactive and that current businesses would not have to comply with the new regulations.

Mr. Bergin asked if the 25% limitation on window signs would be on each window pane or if it was 25% of the total windows of the store. Ms. Bertotti answered that the calculation would be based on the total storefront area.

Ms. Scorso asked if there are any current restrictions on signs in the Historic Zones. Ms. Bertotti stated that Historic Zones are residential and that novelty signs are not permitted in the Historic Zones. Mr. Pellegrini noted that the regulations, in general, are more restrictive in the Historic Zones.

Mr. Stebe asked if any member of the public wished to comment either in favor of or in opposition to this application.

Mrs. Mary Fish, 19 Strickland Street, Manchester, offered her comments regarding the regulation of signs. She stated that she is very pleased by many of the proposed changes; however, she feels the regulations do not go far enough to protect residents whose property abuts business zones. She noted four basic objections to the proposed changes: First, she said, there are currently no limitations on the size of signs allowed. Second, there are no limitations on the hours of operation and signs are illuminated 24/7. Third, there are no provisions for signs on the back of business buildings, which impacts residences abutting the business zone, and fourth, there are no provisions for citations from the Zoning Enforcement Officer when businesses fail to comply with the regulations, Mrs. Fish said.

Mrs. Fish suggested a buffer zone for residential properties abutting businesses and she noted how other municipalities handle their zoning regulations. She stated that she thinks the proposed amendment is much better than current regulations, but it does not go far enough to protect residents who live near business zones.

Mr. Robert Hayley, 19 Welcome Place, Manchester spoke next, supporting the proposed amendment, stating that the document is a good one and will be helpful to the Zoning Board of Appeals. He thanked the staff for their work on the proposal.

The public hearing on this application was continued to the next meeting of the Planning and Zoning Commission.

The Acting Chairman closed the public hearing portion of the meeting at 8:55 p.m.

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.